

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

**CIVIL NO. 1:08CV211-1-T
(1:05CR274 -T)**

ALVARO CHERNEZ-VITERI,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

JUDGMENT

For the reasons stated in the Memorandum and Order filed herewith,

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED that

the Petitioner's motion to vacate, set aside, or correct judgment pursuant to

28 U.S.C. § 2255 is **GRANTED**.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that
Petitioner's conviction and sentence are hereby **VACATED** and his guilty
plea to Count Two is deemed withdrawn.

IT IS FURTHER ORDERED that this matter be returned to the Court's active docket and scheduled for trial during the September 2008 term in the Asheville Division.

Signed: July 25, 2008

A handwritten signature in dark ink, appearing to read "L. H. Thornburg", is written over a horizontal line.

Lacy H. Thornburg
United States District Judge

